IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE Ms. JUSTICE G.ROHINI

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WRIT PETITION No. 24349 of 2001

Between:

S. Sudhakara Raju S/o. Munaswamy Raju
R/o. Illathur Village, Jambada Post, Vijayapuram Mandal,
Chittoor District.

..... PETITIONER

AND

1 The District Collector, Chittoor, Chittoor District.
2 The District Panchayat Officer, Chittoor, Chittoor District.
3 The Revenue Divisional Officer, Chittoor, Chittoor District.
4 The District Sand Committee Chittoor, rep. by its Chairperson
Office of Zilla Parishad, Chittoor, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ of Mandamus, or any other appropriate Writ order or direction, declaring the action of the respondents in proposing to conduct tender cum public auction for granting leasehold rights for exploitation of sand in Kusasthali River of Illathur Grampanchayat, Vijayapuram Mandal, Chittoor District and also proposing to conduct auction on 23-11-2001 in the office of the 3rd respondent in this regard which is evident from the Tender Cum Public auction notification issued by the 2nd respondent on behalf of the 4th respondent vide Rc.No. 3900/2001/A5(Pts) dt. 6-11-2001 as illegal, arbitrary and discriminatory affecting public interest and consequentially direct the respondents to desist from granting leasehold rights for exploitation of sand in the above gram panchayat so as to protect the drinking water supply scheme and the wells and other structures found on the Kusasthali river bed in Illathur Grampanchayat, Vijayapuram Mandal, Chittoor district.

Counsel for the Petitioner : Mr.M.CHANDRASEKHAR REDDY
Counsel for Respondents : G.P. FOR REVENUE

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

The petitioner questions the action of the respondents in proposing to conduct public auction for grant of leasehold rights for collection of seigniorage fee from the sand-lifters in Kusasthali River of Illathur Gram Panchayat, Vijayapuram Mandal, Chittoor District.

As per the auction notice published in 2001, proposed lease was for one year. There was interim stay operating as regards the conduct of auction.

Learned counsel for the respondents submits that for the time being there is no proposal to auction the leasehold rights.

In view of the above, the writ petition itself is rendered infructuous, and we dispose of the writ petition as such with liberty reserved to the petitioner that in case if any public notice proposing to conduct auction is issued, to challenge the same in accordance with law.

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(DEVINDER GUPTA, C.J.)

30th November 2004.

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(G.ROHINI, J.)

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To

1 The District Collector, Chittoor, Chittoor District.
2 The District Panchayat Officer, Chittoor, Chittoor District.
3 The Revenue Divisional Officer, Chittoor, Chittoor District.
4 The Chairperson, District Sand Committee, Chittoor, Office of Zilla Parishad, Chittoor, Chittoor District.

5 Two CCs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

6 Two CD copies.